

Members

Sen. Sue Landske, Chairperson  
Sen. Connie Lawson  
Sen. Jean Breaux  
Sen. Lindel Hume  
Rep. Matt Pierce  
Rep. Philip GiaQuinta  
Rep. Kathy Richardson  
Rep. Robert Behning



## CENSUS DATA ADVISORY COMMITTEE

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### MEETING MINUTES<sup>1</sup>

**Meeting Date:** October 29, 2007  
**Meeting Time:** 10:30 A.M.  
**Meeting Place:** State House, 200 W. Washington St., 233  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 2

**Members Present:** Sen. Sue Landske, Chairwoman; Sen. Connie Lawson; Sen. Lindel Hume; Rep. Philip GiaQuinta; Rep. Robert Behning.

**Members Absent:** Sen. Jean Breaux; Rep. Matt Pierce; Rep. Kathy Richardson.

Chairwoman Senator Sue Landske opened the meeting at 10:41 AM without a quorum. She stated that Joe McClain would be testifying shortly about the state vote center pilot program. She continued that the National Conference of State Legislators (NCSL) is very interested in this program, and both Colorado and Indiana are in the forefront of pioneering this new format in voting.

#### **Joe McClain, HAVA Coordinator, Office of Secretary of State—**

Mr. McClain described the recent vote center history. He said that Secretary Rokita went to Laramie, Colorado, to observe vote centers. He said they learned from the trip that there is no wrong place to vote. The vote centers made it possible to get rid of precinct-based voting. As a result, a registered individual could vote anywhere in the county. He continued that there were 24 vote centers operational during the Laramie trial. Voter turnout has ranked at 80 to 90 percent. He said that the popular conception that a lot of people in a downtown area would generate a very busy vote center was unfounded. He said the Secretary had the opportunity to view the busiest vote center. Generally, they discovered that the voters were processed within 90 seconds.

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Mr. McClain said the centers were a new way to consider voting with a more downtown commuter-oriented society. He continued by saying that vote centers open up possibilities to cast a ballot the voter knows is going to count. He said if a voter does not show up in a precinct poll book, then they have to vote by provisional ballot. In Indiana, he said, generally the ballot would not count. As long as the voter is a registered voter, he said the vote would count if cast at a vote center.

Mr. McClain mentioned a couple of benefits. He said it was convenient to voters with a possibility for long-run cost savings. He said it would reduce the number of poll workers and voting machines needed. He continued that vote centers may have fairly high technical cost at the onset. However, he said some technical issues could be alleviated with surplus equipment. He said Wayne County started their satellite voting today in two of their vote centers. He also indicated that Linda Phillips of the Clerks' Association was present to testify about Tippecanoe County's (a vote center pilot county) experience.

Mr. McClain said the county designates vote centers based on population and easy access for disabled, plus their convenience of location. He said some may be placed near bus lines. He said in Wayne County they started the process with a media blitz in the local newspapers. He said the county basically advertises the concept. Then about ten days before an election the county will send out vote cards to voters. He described that on the back of the card is a brief explanation and a list of the vote center locations. On the front is the voter's name and bar code, which must be brought with them to vote at a vote center. He said if they do not have a card, then the clerk will bring up a card for the voter. He said this could be accomplished by looking on the secure server electronic poll book and having the person sign a sheet, which the county would keep. He said there would no longer be a need to have a large number of poll books, only an electronic poll book. He said the procedure would have an original signature on the card to comply with the law. Secondly, the voter would take their card over to ballot distributor. He said they vote, get an "I voted" sticker, and leave.

Mr. McClain summarized that he had an opportunity to view satellite voting in Wayne County. He said voters were processed within two and one-half minutes. He said the lines were not very long. He added that there was no further need with electronic poll books to keep poll books for two years. During 2003, he said the county spent \$15,500 on poll workers. He said in 2007, the county cut poll workers in half and spent a shade over \$12,000. He said the difference did not equate to half savings as the workers were paid for a week and not just a day. He gave voter turnout numbers of 2,990 in 2003 and 4,378 in 2007. He said that translated into an increase of 43% in active voters and a 31% increase in all voters. He said as a result of these provisions, voters appear to be voting in larger numbers.

Chairwoman Landske asked, although vote centers eliminate the need for poll books, would they still need to keep cards?

Mr. McClain said yes, but a box of cards would be preferable to boxes of books.

Representative Behning followed up on the \$12,000 figure for total staffing and technology costs. He asked if there was need for a tech staff in case of a system failure.

Mr. McClain responded that counties can choose the persons they want at the vote center. There are university and technically savvy persons that can work on the electronic poll books. He said that they are not rocket science.

Representative Behning said, however, it is rocket science to keep the system maintained and to set it up.

Mr. McClain said that counties have their own IT people and backup computers in case of failure.

**Linda Phillips, Tippecanoe County Clerk, and President, Indiana Clerks' Association-**

Ms. Phillips said in May, there was no contested primary so they ran a mock election. She said they hit the centers as hard and fast as possible. She continued that the vote centers had the capacity to exceed six times the volume they planned to encounter in an election. She stated there would be 100 computers for 27 vote centers on secured, mirrored servers. Ms. Phillips commented on satellite voting in nursing homes and long-term care facilities. She said this is a really good provision, as they no longer have to transport elderly voters to the polls. She indicated that on the last Monday they opened two satellite centers with hours of operation every day of the week. She said they had received 1,792 votes from the satellite centers through last night. She said voters seem to like the convenience. She said they have learned it is pointless to be open at 7 AM. She passed out several handouts. She concluded by saying voter education is essential to make this work.

Representative Behning asked Ms. Phillips if her office produced the voter cards.

Ms. Phillips replied yes. She said her office mailed out the postcards, made a media buy on radio stations for three weeks, and completed another direct mail piece. She said Tippecanoe County has 22 vote centers for this election instead of polling places in 45 precincts. She opined the process was much easier with their tripartisan committee, but they ended up with more voter centers than she really wanted.

Representative GiaQuinta asked what happens if a voter has lost their card.

Ms. Phillips said they give the voter a piece of paper to write down their personal information. Then a staff person will look up their information on the computer and produce a new vote card for the voter. She said they have a vote center supervisor and judges. Clerks are no longer needed. She said some workers come in for a half day. She stated there is a 12-person reserve to rush out to a center that may be overwhelmed. She said they also have door greeters.

Representative Behning asked what her election workers are paid. He commented it is so hard to get people to volunteer for election day.

Ms. Phillips replied they need fewer people as a result of going to a vote center format. She suggested there would be a need for 50 vote centers in Marion County, based on population. She continued that there was only a need for 6 vote centers in Tippecanoe County, or one vote center for every ten thousand voters. She said they have way too many, but for political reasons, they got more. She said she does not imagine a need for this many centers in the next election. She said the pay for inspectors is \$170 per day with four hours training, and \$9 per hour for persons working at the satellite centers. She said the pay is better because the employees have additional skills.

Senator Hume asked what type voting equipment is used in Tippecanoe County. Ms. Phillips answered DRE.

Senator Hume asked if these are touch screen. Ms. Phillips replied yes.

Senator Hume asked when the county started up the satellite offices. Ms. Phillips answered that the fixed sites opened two weeks ago.

Senator Hume asked if the satellite locations would be open on election day. Ms. Phillips replied that the satellite locations would close at noon on the day before election day.

Representative Behning asked if the network is hardwired. Ms. Phillips responded yes.

Joe McClain proceeded to pass out handouts in conjunction with his testimony.

Chairwoman Landske asked how many additional inquires have been made for vote centers.

Mr. McClain answered six have inquired. He said that a couple of the VTI counties wanted to have vote centers for this election, but statute did not allow. He continued that Allen and Marion have expressed interest in vote centers. He said that Marion was discussing township vote centers. He offered that they were able to choose three counties under law, where the two actually chosen were Wayne and Tippecanoe. He said consideration was given to the county's capacity to put vote centers into operation. In both counties, the IT people developed their own poll book. He indicated the electronic poll books could be modified down the road to merge with the statewide voter file. As they were completed in-house, he said, there was very little cost to produce the electronic poll books.

Linda Phillips added that the cost to develop the poll book software in her county was less than the cost to produce paper poll books.

At the conclusion of testimony regarding vote centers, Chairwoman Landske directed testimony to local election matters.

### **Dennis Estok, Mayor of Knox–**

Mayor Estok began his testimony by describing the recent municipal primary in the town of Knox, in which he was defeated. He said the manner of his defeat was very important to recognize. He said he lost due to absentee ballots. He stated that he won by 49 votes that were cast at polls, but lost by 62 votes in absentee voting (a net loss of 13 votes). He said 17% of total votes cast were absentee. He stated use of absentee voting was a deliberate campaign strategy of his opponent.

The Mayor continued that voting by absentee can influence a small town election. He said the people do not quite understand the process. He stated that he interviewed a lot of absentee voters and found evidence of fraud. He implied that his opponent got people outside of the town limits but still on polls to vote by this method. He said one was living in Culver at the time of the election. He said his opponent coerced a friend to vote absentee. He said his opponent never thought they would get caught. He continued that they would not have if an investigation had not taken place. He revealed that two hours before polls closed that he realized that he would lose. He said there were 174 mail-in absentee ballots cast.

Chairwoman Landske asked how many ballots were thrown out?

Mayor Estok answered that his opponent was tipped that he was hiring an investigator. He said they realized a lot of people casting votes were not eligible. So the opponent, he said, started making phone calls to voters urging them not to talk to the investigator. He said the testimony of a woman stated that his opponent harassed her until she voted absentee. He said that this woman did not want to vote for his opponent. However, at the trial, he said she would not testify, as the mother-in-law of the opponent lived two doors down. He said she was coerced by the mother-in-law not to testify. He said a lot of the people voting were 65 and older. He said that the existing laws must be enforced first. He said that some felony charges have been made

in this case. He said that the State Police should become more involved. He stated if not for this incident, he would be on the ballot in November.

Representative Behning said this strategy is obvious for both sides to do. He said he knows Marion County provides a list of where the letters for slates go. He asked how did they break the law? He said it is not against the law to ask someone to vote for them. He said the application and ballot process are two different things.

Mayor Estok answered that if the vote is solicited then it is against the law.

Representative Behning continued saying that many parties will send an absentee ballot to targeted voters all the time. So, he asked, how do we limit who can and can't be targeted. He said with the consideration of vote centers we are trying to provide easier access, not to restrict access. He said there are a lot of people voting absentee that could vote in the precinct but choose not to.

Mayor Estok replied that he thought Representative Behning would see the other side of story if the Representative lost an election this way. He continued that his opponent was persistent on getting persons to vote. He said people felt obligated to vote for them. He said he received calls from individuals saying they were going to vote for him, but screwed up and voted for the opponent, because they came to their door.

Representative Behning asked Mayor Estok if he was saying the people came back to the voter's door after ballots were delivered.

Mayor Estok responded that in the court process, they did not get to the point of discussing whether or not his opponent's people returned to homes after ballots were delivered. He said most witnesses simply would not admit to it, as they themselves were afraid of getting prosecuted. Mayor Estok said he believed they were helped with filling out the ballot. He said the judge did throw some of the votes out. He stated there are valid reasons to vote absentee. He said they went door-to-door, and a couple testified it did influence their vote. Mayor Estok stated that he has no idea what needed to be done. He continued that if abuse continues, it will change the way elections are held. He said it will lead to securing votes before elections. He said this election was over before the remaining voters went to the polls. He said that is wrong and something needs to be done about it. After closing arguments in the case, Mayor Estok said the judge responded that he wouldn't want his wife to go out and do something illegal in the election process, but the judge didn't order a recount.

### **Jean Poulard, Town Councilman, Michiana Shores –**

Dr. Poulard described his history of serving on the town council, including one term as president. He said he lost in a 1999 town election that involved fraud. He said Michiana Shores is a very small town with about 350 houses, of which 40% are owned by actual residents. He stated that many of the homes are owned by Chicago residents, which is where the problem lies. He said that 15 voters definitely do not live in Michiana Shores as a primary residence, but are on the poll book and nothing happens. He said there was a State Police investigation in 2000, but the prosecutor did not pursue the matter. He said a lady with property in Michiana Shores actually lives in Illinois, but is still on the poll books. He said this time she has been sent an absentee ballot for the upcoming election.

Dr. Poulard said her online business profile stated she worked in Chicago, lived with her husband in Wicker Park, and had a second home in Indiana as of 2001. He said he would think she would be stricken from the roll, but she has not been. Furthermore, he said, they have one

fellow that lives in Chicago and was pushed to file for candidacy to the town council of Michiana Shores. He said this person applied to vote the same day, July 30, as they applied for candidacy. He said that he is now pursuing this case in court. He said the person is not eligible to file for candidacy and not be a permanent resident. He said that they are currently waiting for the judge to make a decision. He continued that he obtained a list of people who voted absentee. So far, he indicated, two absentee voters live in Napierville, one in Calumet City, and one is a lawyer from Chicago.

Dr. Poulard said that, of the absentee ballots that were mailed and not yet been returned, four are questionable and two definitely are from Chicago residents. He gave the county clerk this evidence. He said when he challenged the candidacy of a Chicago resident, he presented their Chicago residence, license plate numbers, and that the local schools did not have their kids in attendance. However, he said that the information provided by him was ruled as not enough evidence. He continued that as a result, we have sacrificed the voting process in the form of fraud. He stated that this is appalling, especially when some lawyers and a county commissioner are involved.

Senator Lawson asked: Did none of the poll workers challenge the voters at the polls? Did they file an affidavit of challenge at the polls?

Dr. Poulard replied that there has not yet been any challenges at the polls. He replied there have been many voter challenge forms filed afterward. He continued that the affidavits were given to the county clerk and they took just one person off. He said in 2003 there were fraud charges made, however, nothing happened. He said after the 1999 election, a fraud allegation was not made by the prosecutor because they did not want to prosecute. He said, eventually, the prosecutor stopped returning his calls.

Senator Lawson said: There are laws on the books, but the prosecutor does not have time or does not want to pursue the case?

Dr. Poulard said they have had two elections where fraud has taken place, but they do not do anything, so people think they can do it again. He stated that during the 1999 election, poll workers let people outside the town limits vote. He said they then realized they had made a big mistake by allowing those people to vote.

Senator Hume asked if many vote at the polls. Dr. Poulard responded in 2003 they did vote at the polls. He said the lady from Chicago voted at the polls.

Senator Hume said we have changed the law since then for addresses. Dr. Poulard replied, that that was easy. All a person has to do is go to the BMV and get a drivers license with their Michiana Shores address and gain proof of residency.

Representative GiaQuinta asked Dr. Poulard what his solution would be. Dr. Poulard stated for somebody to enforce the law.

Representative GiaQuinta asked how many people were on Dr. Poulard's list. Dr. Poulard replied that 21 were and 12 voted in person. He continued that 8 more absentee ballots had been sent, but the recipients had not yet voted.

Representative GiaQuinta asked Dr. Poulard if he thought there was widespread election fraud in Indiana. He replied that he lives in Lake County where there are documented cases of election fraud. He continued that there are lots of people from Illinois with property here and no one really checks.

Representative GiaQuinta said that he believed that 90-99% of people are honest and that he disagrees with the assertion that widespread voting corruption is going on. Dr. Poulard replied that it is a problem in his corner of the state.

Mayor Estok said that with absentee voting there is reason to commit a lot of fraud. He said that to vote absentee, the voter does not need ID. He said they have documented forgery from his election. He referred to the Culver voter. He stated his opponent talked to this voter's brother, and said it was ok to sign his brother's name to vote. He said this vote was thrown out. He said from the lack of action, it is ok to forge names. Often, he offered, they did not even know who actually voted for a person. He continued that this is where the fraud comes from. He believed that voting absentee should be a privilege, not a necessity. He said his opponent filled out an elderly couple's ballot and took it to the clerk knowing these people were not eligible to vote. He said the prosecutor is taking a look at a Class D felony for this situation. He said he was unsure whether she will follow through. He said all that is done is to check the signatures on the ballot and application to see if they match, which if they do, the vote will count. He said his opponent told a lady she could go ahead and vote for her husband who did not plan to vote.

Mayor Estok said his nephew, who has not lived in Knox for 15 years, is still on the poll book. He said, if not stopped, it will change how elections are held. He reported that their prosecutor only won by 187 votes last election, and they could go after her in the same way.

Senator Delph testified on election fraud. He gave special thanks to Senator Lawson's efforts. He made mention of the National Endowment of Democracy and their mission to go to former communist countries to build the democratic process. He mentioned efforts in Nicaragua between Sandinistas and the Miskitos people. Although there was pressure to keep the Miskitos from voting, they achieved a 90% turnout. He said we have a unique obligation to make sure our system is in check. He listed issues in various counties. He asked what do we do as a state in a prosecutorial role. He said that local prosecutors have too much to do or for various political reasons do not pursue election fraud cases. He said Lake County was not going after perpetrators enough and this was challenging the integrity of system. He said we should not tolerate fraud, period. He said the will of people should be upheld. He said we cannot tolerate abuse of the system by anyone. As a result, he said it is cheapening votes and causing a breakdown in the system. He said there is a need to take step back and look at the big picture.

Senator Hume said the system that the state had in place since the beginning had paper ballots at polls and that back then, fraud could occur. He continued by saying, yes, it was inefficient, but that system worked. He said, in general, citizens knew their vote was there and it counted. He suggested that absentee voting was more difficult than it is today. He stated voter turnout was higher than today. He said we have run across punch tab errors. Secondly, he added, there was computer fraud in Ohio during the last Presidential election. He asked Senator Delph what he would suggest we do that would assure every person that votes that their vote will count?

Senator Delph replied there are efforts to try with technology to make voting more convenient, but doing so makes it more difficult. He said there is no way to have 100% guarantee of no fraud, but we can better educate voters and use vote centers to reach more transient voters. He said we as a state must demand integrity of those tasked with implementing those systems and from the candidates.

Chairwoman Landske asked the Senator if he thought our prosecutors need more power. Senator Delph answered that it is a community-by-community situation. He said there are budgetary constraints to consider. He said, however, we cannot push aside the election process. We must root out corruption and fraud.

Representative GiaQuinta said he has observed the recount process just in Allen County. He said that, statewide, even if there are just one or two incidences of fraud, then it should be examined.

With no further testimony or comment by members, the Chairwoman closed the public testimony. She stated that there were not enough members present to have the necessary votes to adopt a final report. She stated her wish was to release an informational document listing the topics discussed during the interim. She mentioned that Senator Lawson and Representative Pierce would be part of an election workshop panel for a continuing legal education (CLE) seminar in November.

With no further business to come before the Committee, Chairwoman Landske adjourned the Committee for the interim at 12:09 PM.